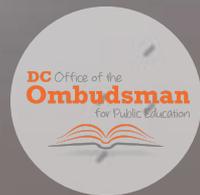




DISTRICT OF COLUMBIA STUDENT DISCIPLINE GUIDE

A Guide for Students, Families, and School Staff



Developed in partnership with



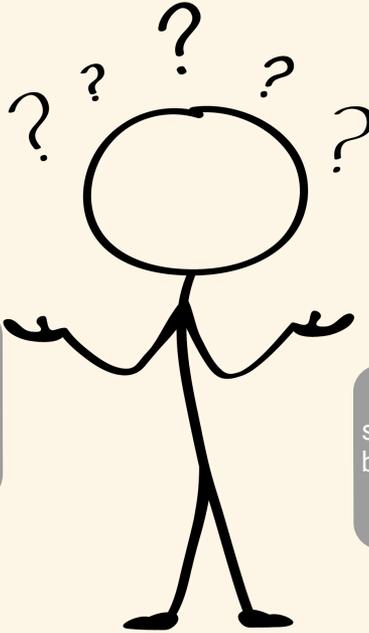
Families can often feel alone and overwhelmed when figuring out how to move forward after a school provides notice that their student will be disciplined:

"I can't afford to buy more uniforms. It's not fair to send her home because the shirt is different this year from last year."

"Why can't we talk about this during the IEP meetings? The doctor says his behavior isn't the problem."

"I need to come pick him up early again because he is having bad day?"

"My child was only defending herself. Why is she the one getting in trouble?"



"She can't come back to class until I come up to the school for a meeting?"

"I get that she is expelled, but she has an IEP. What is she supposed to do until I can find a school for her?"

"None of the other schools asked for his behavior records. Are you sure you need them?"

"What do you mean he 'disrespected' the staff? He didn't say anything."

"I don't understand. He's in Pre-K. Why are you suspending him?"

"His siblings go to school here. I don't understand why you are asking me about transferring him to another school."

Your school must ensure its discipline policy is in accordance with the "Student Fair Access to School Amendment Act" and other relevant DC and federal laws. The discipline policy should be developed in consultation with school personnel, students, and families and be made publicly available, including on the school's website.

To make sure your school's discipline policy measures up to the new law, check your school's handbook, available online or in print in the school's front office.

In 2018 the Council of the District of Columbia passed the Student Fair Access to School Amendment Act.

This guide, created for students, families, and school staff, explains new rules for school discipline that all public schools must follow under DC law.

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School Discipline Law

Student Fair Access to School Amendment Act of 2018

- Limits out-of-school suspension of students in pre-kindergarten through eighth grade, unless suspension is due to serious safety incidents.
- Bans use of suspension for minor offenses in high school.
- If suspended, this law protects a child's right to an education while they are off the premises and requires a plan for the student to successfully return to the classroom.

For full access to the act follow the link <https://code.dccouncil.us/dc/council/laws/22-157.html>



Schools CAN

- ✓ Suspend a student for use of violence
- ✓ Suspend a student for the remainder of the school day for disciplinary reasons in emergency circumstances
- ✓ Exclude a student from extracurricular activities (like athletics) for disciplinary and academic reasons

Schools CANNOT

- ⊖ Suspend pre-K students
- ⊖ Suspend or expel a student for failure to attend school
- ⊖ Require a parent to accompany the student or attend a conference in order to return after an out-of-school suspension
- ⊖ Suspend out-of-school for longer than five consecutive school days for grades K-5, ten consecutive school days for 6-12
- ⊖ Deny a student access to academic work during suspension or deny the right to earn credit toward promotion or graduation

Terms to Know

Uniform Definitions for Discipline under Law

The law defines several terms as they should be used across all LEAs:

- Willful Defiance: disrupting school activities or intentionally defying the valid authority of school staff
- In-School Suspension: a disciplinary action resulting in temporary removal from the classroom setting
- Long-Term Suspension: a disciplinary action resulting in temporary removal from the school for 6 or more days
- Out-of-School Suspension: removal from school for disciplinary reasons, including removal for partial school days and "involuntary dismissals"
- Involuntary Dismissal: a removal from school for less than half a day of school
- Emergency Removal: an immediate out-of-school suspension or disciplinary un-enrollment of a student because the school believes the student poses a danger to other students and staff
- Involuntary Transfer: the removal of a student from one school because of disciplinary reasons to another school for the remainder of the school year or longer
- Expulsion: a disciplinary action resulting in indefinite removal from the school site

Know Your Rights

Limits on Duration of Disciplinary Removals

Grades: Kindergarten - 5th

Each suspension cannot exceed

5

consecutive school days

Grades: 6th - 12th

Each suspension cannot exceed

10

consecutive school days

Grades: ALL

Total suspension days cannot exceed

20

cumulative school days*

Attendance-Related Discipline

Students cannot be suspended or expelled for attendance violations. However, if a student has been out of school for 20 or more consecutive days and the absences are unexcused, the student can be unenrolled.

Schools cannot count out-of-school suspensions, expulsions, or involuntary transfers as unexcused absences or late arrivals.

Limits on Exclusionary Discipline for Kindergarten - Grade 8

Schools cannot use out-of-school suspensions, expulsions, or involuntary transfers unless the student's behavior poses a safety or emotional distress concern.

*effective SY2019-20,
if funded*

Limits on Exclusionary Discipline for Grades 9 through 12

Schools cannot use out-of-school suspensions, expulsions, or involuntary transfers for:

- dress code violations
- willful defiance, disrespect, or insubordination
- any incident occurring off school grounds that is not part of a school-sponsored activity (unless the student's behavior poses a safety or emotional distress concern)

*effective SY2020-21,
if funded*

Know Your Rights

Student Exclusion Protections to Shorten & Stop Removals for Non-Violent Behavior

Out-of-School Suspension Limit

Students cannot be suspended from school for more than 20 cumulative days in a school year. An exception may be made if the head of the LEA provides written justification to both the student and the parent showing the behavior resulted in an emergency removal.

Out-of-School Suspension Limit for Elementary School

If a student is in Kindergarten through Grade 5, each out-of-school suspension cannot exceed 5 consecutive school days.

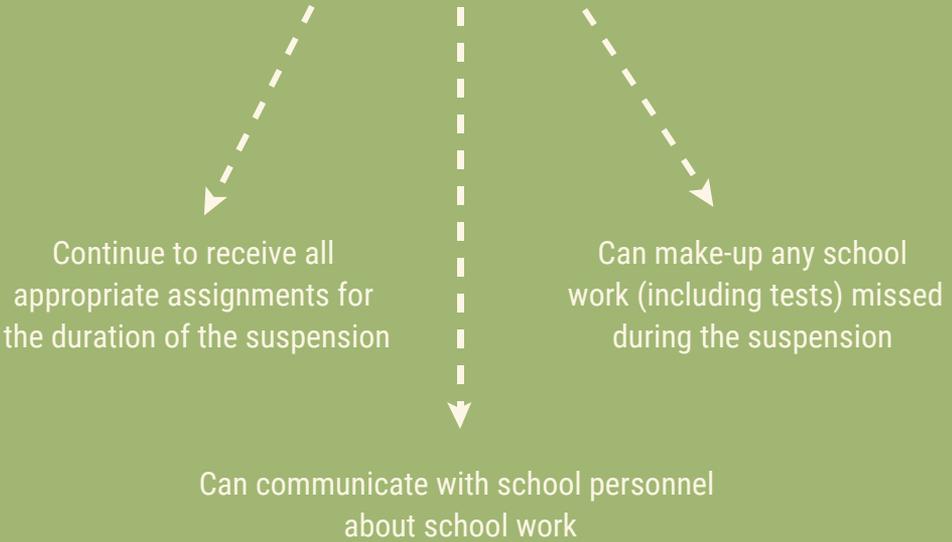
Out-of-School Suspension Limit for Middle and High School

If a student is in Grade 6 through Grade 12, each out-of-school suspension cannot exceed 10 consecutive school days.

Know Your Rights

Access to Education During Exclusions

Schools must have a general plan for continuing education for any student who has been placed in out-of-school or in-school suspension. The plan can be modified to meet individual needs but must make sure students:



For students with disabilities:

- Students with disabilities have a right to continue to receive FAPE, including access to their specialized instruction and related services during suspension.
- Students with disabilities can not be excluded from school for more than 10 days because of conduct related to their disability. Schools and families work together to determine what behavior is related to the student's disability in a Manifestation Determination Review (a review of the relationship between a student's disability and demonstrated behavior that resulted in disciplinary action).

For more information about your school's specific continuing education plan, see your school's handbook/student discipline policy.

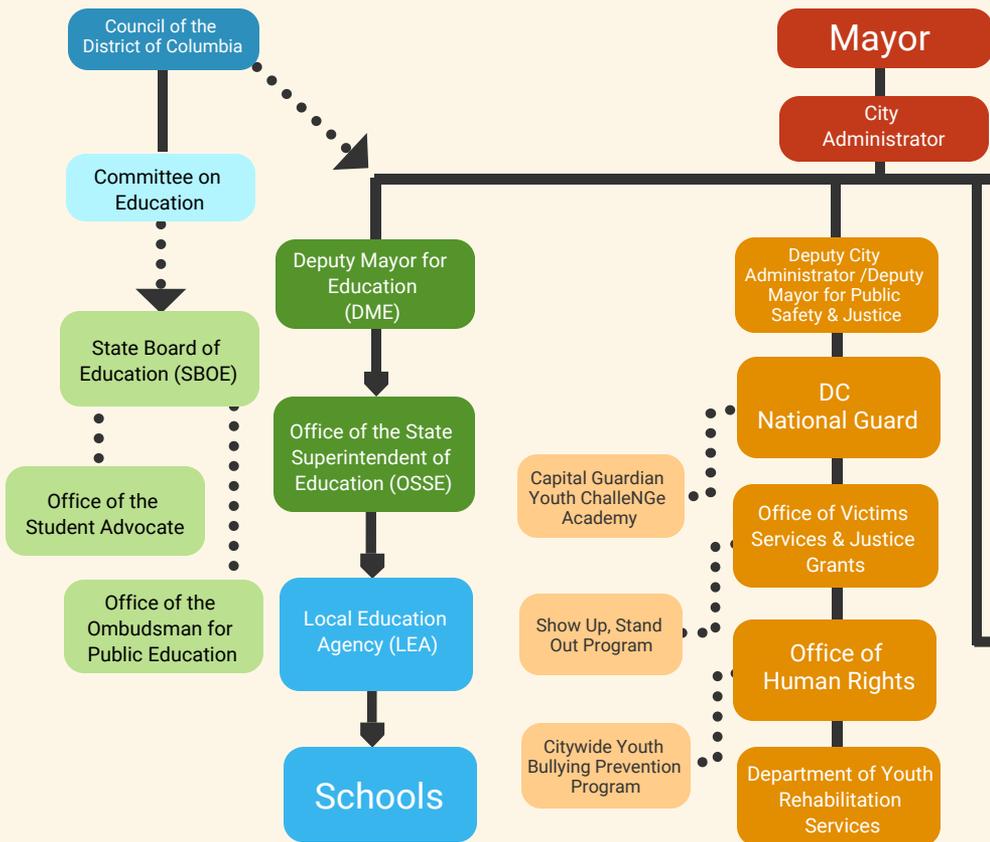
Alternative Disciplinary Responses

The more an intervention addresses the actual harm and its root cause, the better it works.

Here are some examples of alternative disciplinary responses that you can use at home and/or ask your school to consider:

- restorative justice (support the student and those harmed by their actions in identifying solutions together) like restorative conversations, restorative circles or conferences, or peer mediations
- written reflection and an apology
- loss of privilege at school or at home
- caregiver and student/teacher conference
- community service
- schedule adjustment
- written warning
- referral to community-based organizations for additional support
- meeting with school behavioral health provider
- mentoring program inside or outside of school
- daily/weekly check-ins between student and adult mentor at school
- behavioral contract/plan between student and teacher

Government Agencies and Offices



Council of the District of Columbia: DC Council makes and passes laws for the city, including laws that regulate DCPS and charter schools.

Committee on Education: This committee is responsible for researching and recommending laws related to education and oversees actions and approves budget for education agencies in the District.

State Board of Education: The State Board approves state-level education policies and advises the State Superintendent of Education.

Office of the Student Advocate: Office of the Student Advocate support students and families in their advocacy through parent education, one-on-one coaching, resource supports, and trainings.

Office of the Ombudsman for Public Education: Office of the Ombudsman is an impartial and independent office that assists families and schools in resolving issues and complaints through alternative dispute resolution processes.

Deputy Mayor for Education: The Deputy Mayor for Education is responsible for developing, planning, and implementing policies based on the Mayor's education vision. The DME also coordinates collaboration between government agencies.

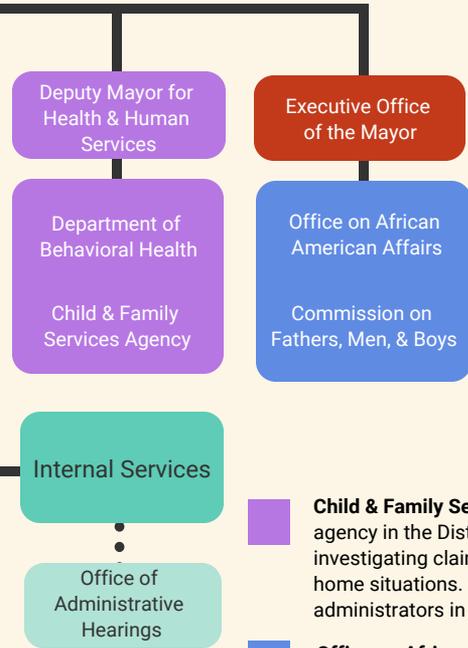
Office of the State Superintendent of Education: OSSE is the state education agency (SEA) for DC, similar to departments of education in other states. OSSE monitors DCPS and charter schools to make sure they comply with DC and federal education laws and policies.

Local Education Agencies: Similar to school districts in other states, an LEA operates elementary and secondary schools. DCPS is an LEA, and each charter network is its own LEA. Each LEA creates its own sets of policies and oversees implementation of federal and state policies.

Connected to Student Discipline

This abbreviated governance map is intended to demystify public education governance and serve as an additional advocacy tool.

Contact information for agencies and offices listed here is available on the back cover.



Mayor: The Mayor's office controls the traditional public school system (DCPS). The Mayor appoints DCPS Chancellor and the Deputy Mayor for Education.

City Administrator: As a mayoral appointee, the city administrator oversees day-to-day operation of all executive agencies, including DCPS and other agencies impacting students, families, and schools.

Deputy Mayor for Health & Human Services: The Deputy Mayor for Health & Human Services supports programs for students and families by overseeing the school health program in public schools and providing supports to individuals and families experiencing homelessness.

Department of Behavioral Health: The Department of Behavioral Health runs the school mental health program. They provide training to all public school administrators and teachers on behavioral health and suicide prevention.

Child & Family Services Agency: This agency is the child welfare and safety agency in the District. CFSA is tasked with protecting children's safety by investigating claims of abuse or neglect and working with families to improve home situations. CFSA works with the school system to train teachers and administrators in DCPS and charter schools on how to report suspected abuse.

Office on African American Affairs: The Mayor's Office on African American Affairs works to empower DC residents through equipping them with government resources and services along with programmatic support.

Commission on Fathers, Men, & Boys: The Commission on Fathers, Men, & Boys serves as an advisory group to the mayor by seeking to address issues of fatherlessness and education disparities in underserved communities in DC.

Office of Administrative Hearings: The Office of Administrative Hearings conducts hearings involving certain disciplinary actions within the public schools. Examples include recommendations for Tier IV or V suspension or expulsion by DCPS.

Deputy Mayor for Public Safety & Justice: The Deputy Mayor for Public Safety & Justice coordinates and supports public safety and law enforcement agencies.

DC National Guard: DC National Guard, in partnership with OSSE, operates the Capital Guardian Youth Challenge Academy (a military style, residential, second chance program for DC students).

Office of Victims Services & Justice Grants: Focused on improving public safety in DC, this office operates the Show Up, Stand Out program (provides families with support they need to get their children to school regularly and on time).

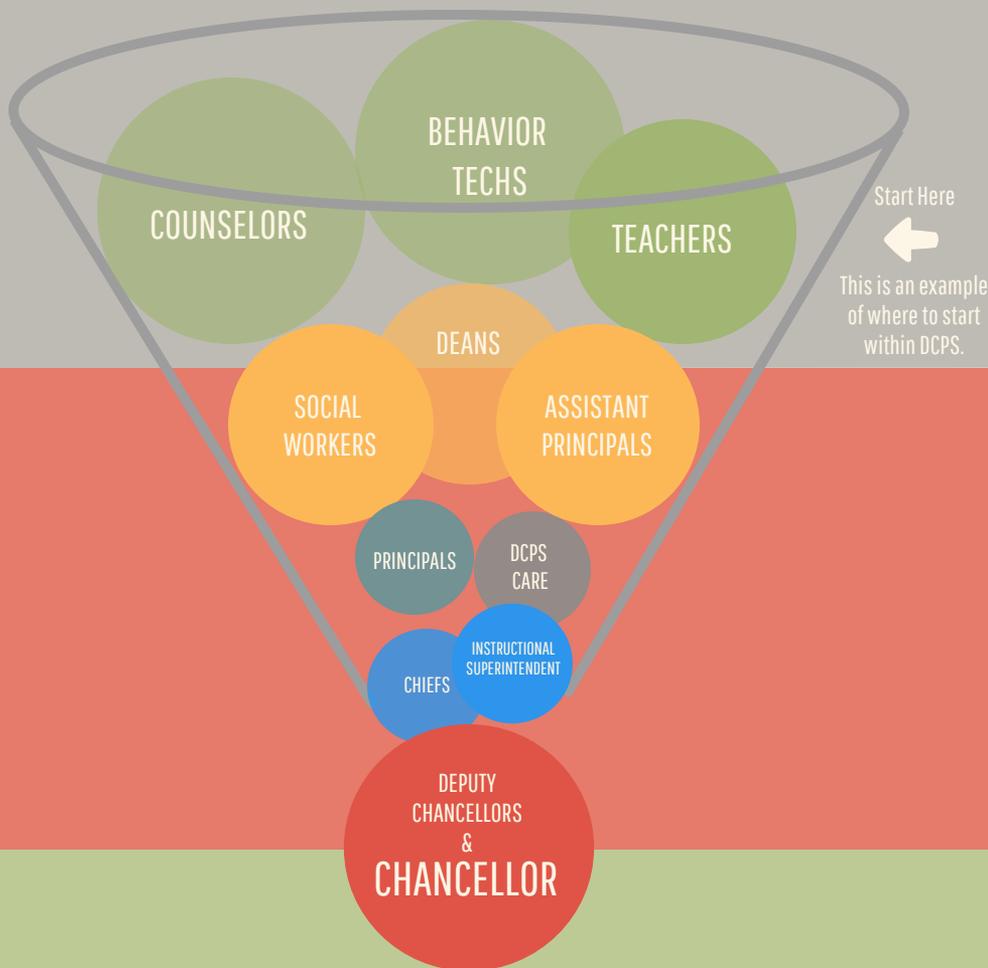
Office of Human Rights: Office of Human Rights works to eliminate discrimination in the workplace and in schools. OHR also houses the Citywide Youth Bullying Prevention Program which investigates reports of bullying and seeks to rebuild comfort of students who have been victims of bullying.

Department of Youth Rehabilitation Services: The Department of Youth Rehabilitation Services supervises and cares for children convicted of crimes and committed to a DYRS facility as well as those accused of certain offenses while awaiting trial. Students attending a DYRS facility have the same educational rights as students attending traditional schools.

Self Advocacy

Who's Who: Figuring Out Where to Get Help

Every LEA in the District has its own mix and models of how schools run -- from school-based staff and central office leadership responsible for student behavior. For more details, reference your student handbook for clarity on the process.*



*Handbooks for public charters can be found via the DC Public Charter School Board "Find a Charter School" tool. Follow the link for access:



www.dcpcsb.org/find-a-school

Certain behaviors or infractions will lead to an escalation where your student may need to appear at a formal hearing. If at DCPS, it will be at the Office of Administrative Hearings. If at a charter, it will more than likely be with senior LEA staff.

In those situations we encourage you to know your rights, the details of the process, and to seek out support. Several community resources are located on the back of this guide.

Conversation Starters

Questions to Ask

Ask Yourself

- ✓ How is my child expected to behave at school or on the bus?
- ✓ What behavioral issues am I aware of that I need to address with my child?
- ✓ Do I know what the discipline policies and rules at my child's school say?
- ✓ How do I communicate with the school about any problems at home?
- ✓ How do I ensure my child understands that violence is unacceptable?
- ✓ How can I support school policies and procedures for positive behavior at home?
- ✓ How do I make sure my child understands the ways in which his/her choices create harm?
- ✓ How do I encourage and support my child to act in ways that avoid harm?

Ask School Staff

- ✓ How does the school inform my child of his/her behavior expectations?
- ✓ How can you help me keep/prevent my child from having behavior problems? (Share any behavior issues with the school.)
- ✓ Does my child truly know and understand what is required in order for him/her to avoid disciplinary action?
- ✓ What is being done to ensure that all students are well-behaved and safe?
- ✓ What are the discipline policies that I, as a parent, need to be aware of and enforce at home?
- ✓ What are Positive Behavior Interventions and Supports (PBIS)?
- ✓ What is the best way for me to communicate with the school regarding anything that I need to share with you? Is there a phone list available?
- ✓ If my child is suspended, is there an independent appeal process? What does the appeal process entail?

Terms to Know

General Terms

- **Behavior Intervention Plan (BIP)**
a plan put in place to help a child learn social skills and behavior; should include positive interventions
- **DC Public Charter School Board (PCSB)**
authorizes public charter schools in DC; after the comprehensive application process, PCSB provides oversight and support to the schools it authorizes
- **DC Public Schools (DCPS)**
the traditional school system in the District of Columbia; central authority is the Chancellor of DC Public Schools
- **Exclusionary Discipline**
any disciplinary actions that removes or excludes a student from their usual education setting; examples include suspension and expulsion
- **Individualized Education Plan (IEP)**
a plan for how a child with a qualifying disability will be provided a "Free Appropriate Public Education" to ensure a child can make meaningful education progress; required for students receiving special education services under IDEA
- **Individuals with Disabilities Education Act (IDEA)**
federal law that governs the types of disciplinary actions that can be taken against students with IEPs; provides safeguards intended to prevent students from being punished based on behaviors related to or stemming from their disabilities
- **Local Education Agency (LEA)**
similar to school districts in other states, a local education agency operates elementary and secondary schools; DCPS is an LEA, and each charter network is its own LEA.
- **Manifestation Determination**
a review of the relationship between a student's disability and demonstrated behavior that resulted in disciplinary action; conducted when the school is considering exclusion or change of placement

Terms to Know

General Terms

- **Office of the State Superintendent of Education (OSSE)**
the official state education agency for the District of Columbia; provides information, policy guidance, and resources on education matters to LEAs and parents

OSSE is required to provide LEAs with any additional supports for interventions that help schools reduce the use of the exclusionary discipline.
- **Positive Behavioral Supports and Interventions (PBIS)**
a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional, and academic success
- **Public Charter Schools (PCS)**
independent, tuition-free schools under agreements approved by PCSB; a public charter school is not a matter-of-right school to students in a given neighborhood; most require an application through the lottery process
- **Restorative or Positive Discipline**
non-punitive approaches and techniques used in schools and parenting centered on relationships, social emotional learning, empathy, and accountability
- **School Safety and Positive Climate Fund***
The Office of the State Superintendent (OSSE) is required to support schools with:
 - technical assistance
 - high-quality professional development
 - the facilitation of post-secondary degree/certificate programs, including trauma informed educator certificate programs
This fund will be used to support these programs as well as any other interventions schools need.
- **Trauma-informed Approaches**
an umbrella term for the science-based models that raise awareness around the underlying biology of trauma, its impact on human functioning, as well as ways to be trauma-sensitive and build resilience
- **Zero Tolerance Policy**
a policy requiring school officials to enforce punishment regardless of circumstances; zero tolerance policies are commonly used to suspend or expel students for conduct as it relates to weapons, alcohol, drugs, or fighting

Agencies and Office Connected to Student Discipline

State Board of Education

202-741-0889
sboe@dc.gov
sboe.dc.gov

Office of the Ombudsman for Public Education

202-741-0886
om.budsman@dc.gov
educationombudsman.dc.gov

Mayor

202-727-2643
eom@dc.gov
mayor.dc.gov

Office of the State Superintendent of Education

202-727-6439
osse@dc.gov
osse.dc.gov

DC Committee on Education

202-724-8061
dccouncil.us
dccouncil.us/committees/education

City Administrator

202-478-9200
oca.eom@dc.gov
oca.dc.gov

Deputy Mayor for Education

202-727-3636
dme@dc.gov
dme.dc.gov

Deputy Mayor for Public Safety & Justice

202-724-5400
dmpsj@dc.gov
dmpsj.dc.gov

Deputy Mayor for Greater Economic Opportunity

202-545-3071
dmgeo@dc.gov
dmgeo.dc.gov

Deputy Mayor for Health & Human Services

202-727-7973
dmhhs@dc.gov
dmhhs.dc.gov

Additional Numbers to Know

DCPS Security.....	(202) 576-6950
DCPS CARE (grievance).....	(202) 442-5405
Public Charter School Board.....	(202) 328-2660
Citywide Bullying Prevention Program.....	(202) 727-4559
Metropolitan Police Department (MPD).....	(202) 727-9099
Metro Transit Police (WMATA Police).....	(202) 962-2121
Advocates for Justice and Education.....	(202) 678-8060
Children's Law Center.....	(202) 467-4900
UDC Juvenile Law Clinic.....	(202) 274-5073
Restorative DC, a program of SchoolTalk.....	(202) 907-6887